



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: KNEISEL, Lawrence L., et al

Appln. No.:

Filed: July 21, 2003

For: LIGHT WEIGHT PORTABLE
PHASED ARRAY ANTENNA

Attorney Docket No: 10541-1800

Examiner: Unknown

Art Unit: Unknown

Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR GRANTING OF A FILING DATE
AND ISSUANCE OF A FILING RECEIPT**

Sir:

This Petition is filed in accordance with 37 C.F.R. 1.10(e) to accord the above-referenced application a filing date of July 21, 2003, the date of deposit with the United States Postal Service as "Express Mail", and to request issuance of an official Filing Receipt reflecting the same.

Factual Background

On July 21, 2003, the above-referenced patent application (a copy of which is enclosed as Attachment A) was finalized for filing with the United States Patent and Trademark Office (the "Office") via the U.S. Postal Service's "Express Mail" service. Express Mail label number, EV329456727US, was applied to the transmittal accompanying the application and the application, transmittal and return postcard were placed in the corresponding Express Mail envelope.

This Express Mail envelope, along with several other Express Mail envelopes, were picked up at the law offices of the undersigned on July 21, 2003 by an employee of the United States Postal Service. Written confirmation of this pickup is evidenced by the attached United States Postal Service Pickup Service Statement (enclosed as Attachment B), which clearly bears the signature of the United States Postal Service employee and the pickup date of July 21, 2003.

Since the depositing of this application with the United States Postal Service and including the date of this Petition, no return receipt postcard has been received from the Office. Additionally, no official filing receipt has been received from the Office.

Upon discovering that no return receipt postcard or official filing receipt had been received, the undersigned attempted to confirm receipt of the application by utilizing the Office's PAIR system. No confirmation of receipt of the application could be made.

Thereafter, the undersigned confirmed through the United States Postal Service that the application had been delivered to the Office, at its Arlington, Virginia address, and had been signed for by J. Steikel. A copy of the United States Postal Service Track confirm received (bearing the Express Mail label number) is enclosed as Attachment C.

Further, a customer copy of the Express Mail Label showing the date in as July 21, 2003, the requested filing date, is provided as Attachment D.

Requirements For Grantable Petition

According to 37 C.F.R. 1.10(e):

- (1) The Petition must be filed promptly;
- (2) The number of the Express Mail mailing label must have been placed on the correspondence prior to the original filing;
- (3) The Petition must include (a) a copy of the originally deposited papers showing the number of the Express Mailing label thereon; (b) a copy of the Express Mailing label showing the in date; (c) a copy of any other official notation by the U.S. Postal Service relied upon to show the date of deposit; and (d) if the requested filing date is different than the date in on the Express Mail mailing label, a showing which establishes that the requested filing date was the date the correspondence was deposited in the Express Mail Post Office prior to the last scheduled pickup for that day.
- (4) The Petition must include a statement which establishes the original deposit of the correspondence and that the copy of the correspondence, the copy of the Express Mail mailing label, and the copy of any return post card receipt, and any

official notation entered by the United States Postal Service are true copies of the originals.

Conclusion

In accordance with §1.10(e)(1), the circumstances described above establish this Petition is being promptly filed on November 13, 2003, discover of not having received a return receipt post card receipt or official filing receipt from the Office.

In accordance with §1.10(e)(2), the number of the Express Mailing label EV 329456727US was placed on the original correspondence, as shown on the Transmittal of Attachment A.

In accordance with §1.10(e)(3), Attachment A is a copy of the original correspondence (the above-referenced patent application, a Transmittal in duplicate, 4 sheets of drawings, a Combined Declaration and Power of Attorney, an Assignment Recordation Cover Sheet and Assignment, an Information Disclosure Statement, a PTO Form 1449), showing the number of the Express Mailing label on the Transmittal. Also enclosed is a copy of the Express Mailing label bearing the "in-date" of July 21, 2003; a copy of the United States Postal Service Track and Confirm statement indicating delivery to and signed for by an employee of the Office; and a copy of the Pickup Service Statement bearing the number of the "Express Mail" mailing label, the date of pickup of July 21, 2003 and bearing the signature of a United States Postal Service employee.

In accordance with §1.10(e)(4), original signed statements from the persons preparing and depositing the application with the United States Postal Service are also attached. The statement recites all copies of the original correspondence, the mailing label, and pickup service statement, are true copies of the originals.

Accordingly, it is respectfully requested the United States Patent and Trademark Office accord this application a filing date as of July 21, 2003, the date of deposit with the U.S. Postal Service as "Express Mail", issue an official filing receipt reflecting the same and place the application for examination.

11/13/03
Date

Respectfully submitted,


Eric J. Sosenko (Reg. No. 34,440)
Attorney/Agent for Applicant

Enclosures:

Attachment A: Utility Transmittal in duplicate,
4 sheets of drawings,
a Combined Declaration and Power of Attorney,
an Assignment Recordation Cover Sheet and Assignment,
an Information Disclosure Statement, a PTO Form 1449
Attachment B: United States Postal Service Pickup Service Statement
Attachment C: United States Postal Service Track Confirm
Attachment D: Customer Copy of the Express Mail Label
Declaration of Victoria Gorgon
Declaration of Samantha Thomas